

REMARKS

This application has been reviewed in light of the Office Action mailed on April 22, 2003. Claims 2-5, 8-9, 11-14, 17-18 and 21-23 are pending in the application with Claims 8, 9, 17, 18, 21, 22 and 23 being in independent form.

I. Rejection of Claims 2-5, 8, 9, 11-14, 17, 21 and 23 Under 35 U.S.C. §103(a)

Claims 2-5, 8, 9, 11-14, 17, 21 and 23 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,210,327 B1 issued to Brackett et al ("Brackett et al.") in view of European Patent Application No. EP 0 991 005 A2 issued to O'Flaherty et al. ("O'Flaherty et al."). The rejection with respect to Claims 2-5, 8, 9, 11-14, 17, 21 and 23, is respectfully traversed.

Brackett et al. discloses a method and apparatus for sending ultrasound image data to a remotely located device. The Brackett et al. reference additionally discloses providing attribute information with the digitized image, however; Brackett et al. does not disclose or suggest omitting any of the patient information out of privacy concerns, only that some attribute information, under DICOM standards, is allowed to be omitted while other attribute information is mandatory. O'Flaherty et al. does disclose preventing information from being viewed out of privacy concerns, however, O'Flaherty et al. is directed towards databases and not medical diagnostic imaging and thus, a proper combination can not be made between the two cited references. Additionally, the term mask as used in O'Flaherty et al. is best defined as meaning, simply, to obscure and does not refer to an actual method or means of obscuring. O'Flaherty et al., simply stated, does not transmit privacy related data from a database to a data viewing apparatus, i.e.

computer screen, application, or printer. Such a method, as disclosed in O'Flaherty et al., teaches away from Applicants' invention since the O'Flaherty et al. method as disclosed or suggested can not be applied to information embedded within images.

Applicants' claimed invention, as recited in Claim 8 in part: "...identifying patient information that is to be excluded from the at least one diagnostic image; modifying the at least one diagnostic image responsive to the step of identifying, wherein identified patient information is excluded from the at least one diagnostic image by applying at least one mask to at least one patient identifier of the identified patient information in one of the diagnostic image and a plurality of frames comprising an image loop..." (emphasis added), uses a mask as defined and understood in the publishing and graphic design industries, in which a mask is a physical or computer graphic object (in the case of graphic design), which is placed over a portion of an image in order to cover and prevent one from seeing that portion of the image. Claims 9, 17, 21 and 23 (as well as Claims 18 and 22) recite similar relevant language as recited in Claim 8. Therefore, it is believed that Claims 8, 9, 17, 21 and 23 are patentably distinct over the prior art reference and accordingly, withdrawal of the rejection with respect to Claims 8, 9, 17, 21 and 23 under 35 U.S.C. §103(a) over Brackett et al. in view of O'Flaherty et al. and allowance thereof are respectfully requested.

Claims 2-5 and 11-14 depend from independent Claims 8 and 17 and thus are limited by the language recited by independent Claims 8 and 17. Accordingly, for at least the reasons given above for Claims 8 and 17, withdrawal of the rejection with respect to

Claims 2-5 and 11-14 under 35 U.S.C. §103(a) over Brackett et al. in view of O'Flaherty et al. and allowance thereof are respectfully requested.

II. Rejection of Claims 18 and 22 under 35 U.S.C. §103(a)

Claims 18 and 22 were rejected under 35 U.S.C. §103(a) over Brackett et al. in view of O'Flaherty et al. ("O'Flaherty et al.") and U.S. Patent No. 5,412,702 issued to Sata ("Sata"). The rejection with respect to Claims 18 and 22 is respectfully traversed.

The reasons cited above for Claims 8, 9, 17, 21 and 23, with respect to the Brackett et al.-O'Flaherty et al. combination, also apply to Claims 18 and 22. Regarding the Sata reference, while Sata discloses use of a multiple image display format for viewing the diagnostic images, Sata does not address the deficiencies cited with regards to the Brackett et al.-O'Flaherty et al. combination. Specifically, Sata does not disclose or suggest – alone or in any proper combination with Brackett et al. and O'Flaherty et al. – the privacy protection method for medical diagnostic images as claimed by Applicants. Therefore, for at least the reasons given above, it is believed that Claims 18 and 22 are patentably distinct over the prior art references and accordingly, withdrawal of the rejection with respect to Claims 18 and 22 under 35 U.S.C. §103(a) over Brackett et al. in view of O'Flaherty et al. and Sata and allowance thereof are respectfully requested.

III. Conclusions

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 2-5, 8-9, 11-14, 17-18 and 21-23, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call John Vodopia, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9627.

Respectfully submitted,



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